

International Protection of Women's Human Rights

Professor Rebecca J. Cook

Faculty of Law, University of Toronto

2003-2004

These materials have been prepared exclusively for the use of students of the Faculty of Law, University of Toronto

1A - 7 500 //

International Protection of Women's Human Rights

Professor Rebecca J. Cook

Faculty of Law, University of Toronto

2003-2004

These materials have been prepared exclusively for the use of students of the Faculty of Law, University of Toronto

Digitized by the Internet Archive in 2018 with funding from University of Toronto

International Protection of Women's Human Rights

Professor Rebecca J. Cook Faculty of Law, University of Toronto 2003-2004

1. Overview

Andrew Byrnes, The Convention on the Elimination of All Forms of Discrimination Against Women in W. Benedek, E. Kisaakye and G. Oberleitner, <i>Human Rights of Women International Instruments and African Experiences</i> , Zed Books, 2002, 119-172	1
Convention on the Elimination of All Forms of Discrimination against Women	
2. The Optional Protocol	
The Optional Protocol (Chapter 2) in Rebecca Cook, Simone Cusack & Marylin Women's Access to Justice: The Optional Protocol to the Convention on the Elir of All Forms of Discrimination against Women, forthcoming University of Penns Press	mination sylvania
Filing a Communication (Chapter 4), Ibid.	42
Admissibility Requirements (Chapter 5), Ibid.	64
Inquiry Procedure (Chapter 6), Ibid	97
Sample Application to Petition a Human Rights Treaty Body	119
Optional Protocol to the Convention on the Elimination of All Forms of Discrimagainst Women	
3. Feminist Perspectives	
Radhika Coomarswamy, To Bellow Like a Cow: Women, Ethnicity and the Discourse of Rights in Human Rights of Women: National and International Perspectives, Philadelphia: U of Penn Press, 1994, 39-57	122
Sally Engle Merry, Rights Talk and the Experience of Law: Implementing Women's Human Rights to Protection from Violence, Human Rights Quarterly 25: 343-381 (2003)	132

Kerry Rittich et al, The Gender of International Law, ASIL Proceedings, 1999, 206-209	153
See also:	
Adrien Wing, A Critical Race Feminist Conceptualization of Violence: South African and Palestinian Women in Adrien Wing ed. Global Critical Race Feminism: An International Reader, New York: New York University Press, 2000, 332-346	
4. Feminist Theories	
Nicola Lacey, Feminist Legal Theory and the Rights of Women forthcoming in Karen Knop ed., Gender and Human Rights, Oxford University Press, 2003	
Tracy Higgins, Anti-Essentialism, Relativism, and Human Rights, Harvard Women's Law J. 19: 89-126 (1996)	198
5. Feminist Methods and Treaty Interpretation	
The Principles of Interpretation in Rebecca Cook, Reservations to the Convention on the Elimination of All Forms of Discrimination against Women, Virginia J. of Int'l Law 30: 643-716, 660-663 (1990)	218
Hilary Charlesworth, Feminist Methods in International Law, American J. of Int'l Law 93: 379-394 (1999), read only 379-385	222
Antoinette Sedillo Lopez, Comparative Analysis of Women's Issues: toward a Contextualized Methodology in Adrien Wing ed. Global Critical Race Feminism: An International Reader, New York: New York University Press, 2000, 67-80.	231
Celestine Nyamu, How Should Human Rights and Development Respond to Cultural Legitimization of Gender Hierarchy in Developing Countries? 41 Harv. Int'l L. J. 381-418 (2000)	
Kristen Savell, Wrestling with Contradictions: Human Rights and Traditional Practices Affecting Women, McGill L.J. 41: 781-817 (1996)	284
See also:	
Madhavi Sunder, Piercing the Veil, Yale L. J. 112: 1399-1472 (2003)	
Ayelet Shachar, Multicultural Jurisdictions: Cultural Differences and Women's Rights, Cambridge: Cambridge University Press, 2001, 33-42, 45-57, 117-126, 131-135	

Catherine MacKinnon, Method and Politics in Toward a Feminist Theor	y
of State, Cambridge, Mass: Harvard University Press, 1989	

6. Part I

Article 1-Nondiscrimination and Intersections of Different Forms of Discrimination
Equality of Rights between Men and Women, Human Rights Committee, General Comment 28, 20001 303
CERD, General Recommendation 25, UN GAOR, 2000, Doc. No. A/55/18
See also:
Thlimmenos v. Greece (2001) 31 E.H.R.R. 15, paras: 1-3, 34-49
Titia Loenen, Rethinking Sex Equality as a Human Right, Netherlands Quarterly of Human Rights 3: 253-270 (1994)
Article 2- State Responsibility
Cognizability: Legal Recognition of Harms-Making the Invisible Visible
Rebecca Cook, State Responsibility for Violations of Women's Rights, Harvard Human Rights J. 7: 125-175 (1994), read only 130-137
Theories of State Responsibility
Andrew Byrnes and Jane Connors, Enforcing the Human Rights of Women: A Complaints Procedure for the Women's Convention? Brooklyn J. of Int'l Law XXI: 679-783 (1996), 707-32
Christine Chinkin, Some Notes on the Duty of Due Diligence under International Law, prepared for Amnesty International meeting on due diligence standard regarding violence against women, Oct 10-11, 2003
Limitations on State Responsibility
Rebecca Cook, State Responsibility for Violations of Women's Rights,

State Responsibility for Effective Remedies

Dinah Shelton, Remedies in International Human Rights Law, Oxford, UK: Oxford University Press, 1999

Theories of Remedies: 38-5 Remedies in National Law: 57-80	
Non-Monetary Remedies: 292- 306.	345
Rebecca Cook, State Responsibility for Violations of Women's Rights, 169-171	376
Loayza Tamayo v. Peru, Inter-American Court of Human Rights, Reparations, Judgment of Nov 27, 1998, (ser. C) No. 42 (1998), paras: 107-192	378
State Responsibility for Changes in Domestic Laws (Articles 2 & 24)	
C. Fraser, R. v. Ewanchuk: A Case Study on the Meaning of Consent in Cases of Sexual Violence in United Nations, Bringing International Human Rights Law Home, New York: United Nations, 2000, 163-167	398
M.C. v. Bulgaria - Admissibility Decision, 2003, Application no. 39272/98	401
Expert Report for complainants in <i>M.C. v. Bulgaria</i> prepared by Professor Hamish Stewart, 24 March 2003	415
See also:	
R. v. Ewanchuk 169 D.L.R. (4 th) 193 (1999), paras 68-74	
Vishaka v. State of Rajasthan (1997) 6 Supreme Court Cases 241 (India)	
Baker v. Canada (Minister of Citizenship and Immigration) [1999] 2 S.C.R. 817, pp1-4 (holding), paras 2-10, 63-77	

Article 3-Equal Exercise of Human Rights and Fundamental Freedoms

Article 4-Temporary Special Measures

I. Boerefijn, F. Coomans. J. Goldschmidt, R. Holtmaat & R. Wolleswinkel eds., Temporary Special Measures - Accelerating de facto Equality of Women under Article 4(1) CEDAW, Intersentia Publishers, (www.intersentia.com) Antwerp/Oxford/New York, forthcoming 2003

Article 5-Sex Role Stereotyping and Culture

Cultural Legitimization of Gender Hierarchy in Developing Countries? 41 Harv. Int'l L. J. 381-418 (2000)
Article 6-Traffick in Women and Exploitation of Prostitution of Women
Joan Fitzpatrick, Trafficking as a Human Rights Violation: The Complex Intersection of Legal Frameworks for Conceptualizing and Combating Trafficking, Michigan J. of Int'l L. 24: 1143-1167 (2003)
Janie Chuang, Redirecting the Debate over Trafficking in Women: Definitions, Paradigms, and Concerns, 11 Harvard Human Rights J. 65- 107 (1998) read especially 80-107
11. Part II-Political Rights
Article 7-Political and Public Life
Courtney Howland, Safeguarding Women's Political Freedoms under the ICCPR in the Face of Religious Fundamentalism in Courtney Howland ed., Religious Fundamentalisms and the Human Rights of Women, New York: St Martins Press, 1999, 93-104
Part III-Economic and Social Rights
Martin Scheinin, Women's Economic and Social Rights as Human Rights in Lauri Hannikainend & Eeva Nykanen eds. New Trends in Discrimination Law-International Perspectives, 1-28
Jeanne Woods, Justiciable Social Rights as a Critique of the Liberal Paradigm, Texas Int'l L.J. 38: 763-793 (2003)
Montreal Principles on Women's Economic, Social and Cultural Rights, 2003 491
Article 10-Education
Article 11-Employment
Article 12-Health
Article 13-Economic and Social Benefits
Article 14-Rural Women

L. Muthoni Wanyeki, Introduction in L. Muthoni Wanyeki ed., Women and Land in Africa: Culture, Religion and Realizing Women's Rights, London: Zed Books, 2003, 1-27	
Part IV- Equality before the Law and in the Family	
Article 15-Equality before the Law	
Article 16-Marriage and Family Relations	
Researching International Women's Rights	•
Bora Laskin Law Library, University of Toronto, Women's Human Rights Resources: http://www.law.utoronto.ca/diana	
Marylin Raisch, International Women's Human Rights and Humanitarian Law, Guide IV of Selective Source Guides to Research in International Law, 2002	
Annex	
Convention on the Elimination of All Forms of Discrimination against Women 532	
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	